Government of Kerala
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SUPPLEMENTS

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PART I

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Kerala Gazette No. 39 dated 5th October 1982.
PART I

GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G.O. (Rt.) No. 845/82/LBR *Dated, Trivandrum, 5th August 1982.*

The award of the Labour Court, Ernakulam in respect of the dispute between Shri P.K. Krishna Das, Managing Partner, Keerthi Envelops, Cheranalloor, Edappally, Ernakulam District and the workman of the above concern Shri K. K. Vijayan, Karimpadathu Thundiyil House, Cheranalloor P.O., Cochin-24 received by Government on 30-7-1982 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,
K. SIVADASAN,
Deputy Secretary to Government.

In the Labour Court, Ernakulam

Dated this the 21st day of July, 1982

Present:

SHRI N. SUKUMARAN, B. SC., BL.

Presiding Officer

INDUSTRIAL DISPUTE No. 279 of 1979

Between

Shri P.K. Krishna Das, Managing Partner, Keerthi Envelops Cheranalloor, Edappally, Ernakulam District

And

The workman of the above concern Shri K.K. Vijayan, Karimpadathu Thundiyil House, Cheranalloor P.O., Cochin-24

Representations:—

M/s. V. Sankara Raja & K.V. Prakash, Advocates Cochin-11 } For *Management.*

Shri K.P. Aravindakshan, Advocate, Kalamassery. } For *Workman.*

AWARD

Denial of employment to Shri K. K. Vijayan, worker, Keerthi Envelops, Cheranalloor is the issue referred for adjudication by Government as per G.O. (Rt.) No. 1000/79/L&H dated 18-7-1979.

2. The services of Shri K. K. Vijayan were terminated by the employer as per Ext. W1 notice sent by registered post. That communication dated 25-4-1978 reads as follows:—

"Sir,

Since June 1976 you have been working as a temporary employee in this Establishment in the Envelopes Unit, on a consolidated pay packet of Rs. 125 (Rupees one hundred and twenty five only) per mensem. The amount of salary due to you up till and including the 1st of April 1978 has been duly paid to you.

Since it is no longer necessary to continue your temporary employment, your service is forthwith hereby terminated from this date.

The amount of salary due for the month of April 1978 is Rs. 125. One month's notice salary payable to you simultaneously with the present terminaiion of service is Rs. 125. Thus the total amount payable to you is Rs. 250.

The notice of termination and the amount of Rs. 250 were offered to you yesterday; but you have declined to receive the same. Hence this registered notice. The amount of Rs. 250 is also sent today by separate Money Order.

Yours faithfully,

For *Keerthi Envelopes*

(Sd.)

Managing Partner."

The complaint of the workman is that 'the termination was effected with ulterior motives and the reasons stated in the notice is baseless. He is claiming reinstatement with all benefits.

3. The employer in his written statement contends that Sbri Vijayan was employed on a temporary basis and he did not do 240 days of work within a period of twelve months and he who was the junior-most in the category to which he belonged was terminated when a re-organisation of the working became necessary on legitimate grounds and therefore he is not entitled to any benefits. According to the Management the employee is not entitled to claim rights as per Section 25-F of the Industrial Disputes Act and the termination is valid and sustainable.

4. In the rejoinder the workman states that he was doing continuous work and he had completed more than 240 days of continuous service.

He was not the junior most as alleged nor was he a temporary employee. There was no reorganisation of work in the establishment. The termination was intended only to victimise him. It is not valid and supportable.

5. The evidence in the case consists of the testimony of the affected employee as WW1 and WW2 who was a co-worker, MWs. 1 and 2 and Exts. M1 and M2. MW1 is the employer and MW2 was also a co-worker of Shri Vijayan. Exts. M1 and M2 are alleged to be muster rolls maintained in the ordinary course in the establishment from 1966 to 1968.

6. Though not specifically pleaded the evidence adduced by the workman is that a demand for enhancement in wages was raised in writing by the employees under his leadership and therefore he was made a target of victimisation by the issue of the termination order Ext. W1. That there was such a demand early in April 1978 is spoken to by WW1 and WW2. Their versions find corroboration on this aspect in the testimony of MW2 who was a co-employee during the relevant time. But it is admitted that WW2, MW2 and the other workers who were in service at the relevant time were also signatories to the written demand for enhancement in wages. On this admitted fact an argument is advanced on behalf of the employer that the Management did not terminate the services of any of the employee for the reason that enhancement in wages was claimed and therefore it is highly improbable to think that Shri Vijayan was singled out for action. WW2 and MW2 have stated that they left this establishment on their own accord subsequently for their own reasons. WW2 got another employment elsewhere and MW2 was married away. But the testimony of WW1 and WW2 that the demands were raised under the leadership of Shri Vijayan remains unchallenged. So the fact that he took up the leadership to organise the workmen and to place a demand for enhancement in wages may be a circumstance to make a reasonable inference that the Management was not pleased with his move. But that by itself may not be sufficient to say that the action amounted to victimisation. The other facts and circumstances also are to be considered and assessed before something definitely can be said on this allegation.

7. The main defence of the management is that Shri Vijayan did not have continuous service and that he was employed only occasionally when there was pressure of work. According to the Management Shri Vijayan's services were utilised only for distribution of the finished product "Keerthi Envelops" among the customers who were numerous in number and that the practice of actual door delivery was discontinued when bulk orders were available from better clients and that is how his services became surplusage. This case is spoken to by MWs. 1 and 2. But WW1 and WW2 have stated that Shri Vijayan was continuously working in the factory in the production of envelops.

8. It is admitted by the employer as MW1 that it was not a practice to issue attendance cards to the employees. So it is not possible for Shri Vijayan to produce documentary evidence to show that he was having

continuous service. Ext. W1 extracted above indicates that Shri Vijayan was continuously employed ever since 1976 till the termination as per that communication. A faint attempt had been made by the learned counsel appearing on behalf of the employer to argue that the phraseology employed "Since June 1976 you have been working......" implies only to show the date of the original appointment and it does not mean continuous employment till the termination. But this explanation is far from convincing. We have to remember that Ext. W1 was prepared and issued terminating the services of an employee. It does not appear to have been prepared by a layman without considering the seriousness and implications of the action. Meticulous care is seen to have been taken to say that Shri Vijayan was employed on a temporary basis. He is offered one month's notice pay in addition to another months pay which is the pay that was earned in April 1978. In these state of affairs the employer in all probability would have stated that Shri Vijayan was employed only during broken periods during the interval had it been the real state of affairs. The only reasonable interpretation that could be drawn from Ext. W1 is that Shri Vijayan was continuously employed from June 1976 till the date of termination.

9. The genuineness of Exts. M1 and M2 muster rolls is seriously disputed by the employee. Those documents are so drawn up as to indicate that Shri Vijayan had worked only at intervals during the period in question. Admittedly the employees including Shri Vijayan did not mark their attendance by themselves in those documents. MWs. 1 and 2 have stated that it was maintained by MW2. They further say that Officers of the Labour Department had inspected those documents during their inspections. But those Officers have not signed or initialled the muster rolls in token having inspected them. Normally the Officers would have signed or initialled the document with dates if they had actually inspected it. So the claim of MWs. 1 and 2 that responsible officers had inspected these documents cannot be true. These documents appear fresh and having recent origin. A perusal of Exts. M1 and M2 would indicate that it was not kept in the ordinary course of business but prepared at a stretch recently. If these documents had been in current use continuously for more than two years being handled every day for making entries then they would definitely have shown some signs of age which are significantly absent. The recital in Ext. W1 gives ample room to strengthen this conclusion. So they are not reliable at all. In all probability Exts. M1 and M2 must have been prepared for the purpose of the defence in the present case. So no significance can be attached to these documents.

10. The names given in Exts. M1 and M2 and the sequence in which new names have been entered would indicate that Shri Vijayan was not the juniormost when his services were terminated. This is a case where the Management's case cannot be accepted on its face value as even documents have concocted in support of the defence. So the story that Shri Vijayan was employed only for distribution of envelops and therefore his services became unnecessary consequent on the difference in procedure adopted in

the line of distribution cannot also be accepted. So a senior hand was fired retaining the juniors. This amounts to victimisation as it followed soon after the demands were raised under Shri Vijayan's leadership. So the termination is not sustainable. It was also not in conformity with the provisions of Section 25-F of the industrial Disputes Act. The termination is illegal. Shri Vijayan is to be deemed to have continued in service.

11. Now remains the relief to which the workman is entitled. Normally he is entitled to reinstatement with all benefits including continuity of service. But it is admitted that Shri Vijayan had secured a better job under government some time back. The learned counsel for the workman was not in a position to give me the date of alternate employment and the particulars of the same. However Shri Vijayan who is better placed now is not likely to take up the job with the Management. In these state-of affairs an order for reinstatement is unnecessary. Adequate compensation will be sufficient.

12. Shri Vijayan was drawing Rs 125 per mensem. He was out of job for nearly four years. A round sum of Rs. 5,000 will be adequate towards compensation and other benefits in the circumstances of this case. In the result an award is passed directing the Management to pay Rs. 5,000 (Rupees five thousand) to words compensation and other benefits to Shri K.K. Vijayan. This amount will carry interest at the rate of twelve per cent from the date on which the award becomes enforceable. He is not entitled to any other reliefs.

Trichur,
21-7-1982.

N. SUKUMARAN,
Presiding Officer.

Appendix

Witnesses examined on the Management's side:

MW1. Shri Krishna Das, P.K.
MW2. Smt. P. Susheela.

Witnesses examined on the Workman's side:

WW1. Shri Vijayan, K.K.
WW2. ,, Aravindakshan, K.K.

Exhibits marked on the Management's side:

Ext. M1. Muster Roll of Keerthi Envelops for the year 1976-77.
,, M2. do. 1978.

Exhibit marked on the Workman's side:

Ext. W1. Termination notice dated 25-4-1978 issued to Shri K.K. Vijayan by the Management.

G.A. 152/J.

GOVERNMENT OF KERALA

General Administration (Political C) Department

NOTIFICATION

No. 76103/Pol. C1/81/GAD. *Dated, Trivandrum, 31st March 1982.*

The Seaward Artillery Practice Rules, 1978 promulgated by the Central Government as appened are hereby republished for general information.

By order of the Governor,
T. Cyril George,
Under Secretary to Government.

New Delhi, the 9th January 1978.

S.O. 25.—In exercise of the powers conferred by sub-section (2) of section 1 of the Seaward Artillery Practice (Amendment) Act, 1973 (3 of 1973), the Central Government hereby appoints the 21st day of January, 1978, as the date on which the said Act shall come into force.

SEAWARD ARTILLERY PRACTICE RULES, 1978

S.O. 26.—In exercise of the powers conferred by section 9 of the Seaward Artillery Practice Act, 1949 (8 of 1949), and in supersession of all the previous rules on the subject, the Central Government hereby makes the following rules, namely:—

1. *Short title, commencement, extent and application.*—(1) These rules may be called the Seaward Artillery Practice Rules, 1978.

(2) They shall come into force on the Twenty-first day of January 1978.

(3) They shall extend to all the States which have a sea coast, and apply also to, and to persons on, any vessel which is registered in India or which belongs to any person domiciled in India, wherever it may be.

2. *Definitions.*—In these rules unless the context otherwise requires.—

(a) "Act" means the Seaward Artillery Practice Act, 1949 (8 of 1949);

(b) "aircraft" means any machine which can drive support in the atmosphere from reactions of the air other than reactions of the air against the earth's surface, and includes balloons whether fixed or free, airships, kites, gliders and flying machines;

(c) "danger zone" means any area declared to be a danger zone under sub-section (2) of section 4;

(d) "evacuation" means removal from a danger zone of persons, property or vessels;

(e) "section, means a section of the Act.

3. *Manner of publication of substance of a notification issued under section 3.*—After the publication of a notification under sub-section (1) of section 3 in the official Gazette, the substance shall be published as soon as may be, in addition to its publication in some newspaper circulating in, and in the language commonly understood in the area specified in the said notification, also in one or more of the following manners namely:—

(a) by proclaiming by beat of drum or by means of loud speakers, the contents of such substance in the residential part of such area;

(b) by affixing copies of such substance in the regional language at some conspicuous places in such area;

(c) by serving copies of such substance, where possible, to such non-official bodies or associations in the said area as Collector of the district in which it is situate may deem fit;

(d) in such other manner as the Collector of the district in which such area is situate may deem necessary.

4. *Intimation of the locality of operations.*—(1) The Officer Commanding the naval forces engaged in the seaward artillary practice shall intimate in writing the Collector of the district or the Revenue Officer deputed by him in this behalf, at least fourteen days in advance, about the exact locality where the seaward artillery practice is to be carried out and shall also at the same time intimate the nearest port authority concerned so that necessary notice to the mariners may be issued to warn ships, vessels and aircrafts proceeding towards the area of the coast were the seaward artillery practice is to be carried out.

(2) The locality where such practice is to be carried out shall also be indicated wherever possible, by means of prominent marks such as red flags, marker buoys or the like.

5. *Inspection of the notified area.*—(1) The Collector of the District or the Revenue Officer, deputed by him in this behalf shall, on receipt of the intimation referred to in rule 4, immediately inspect the portion of the notified area covered by land.

(2) The Collector of the District or the said Revenue Officer shall on such an inspection be accompanied by two municipal councillors or panchas or residents of the notified area and a person, if so nominated by the naval authorities, and prepare a record of the condition of the land and the alterations that are likely to be made on it for the purpose of the said operations.

(3) The Collector of the district or the said Revenue Officer shall, as far as possible, secure the presence of the owner or occupier of the said land and include in the record the gist of the latter's representations, if any.

6. *Regulating the use of the notified to secure the public against danger.*—(1) The Collector of the district or the Revenue Officer deputed by him in this behalf shall inform the inhabitants of the notified area, at least three days in advance, by beat of drum and publication of notice in appropriate manner in each village, of the time of commencement, the exact locality where the operations will be carried on and the duration of operations and warn them.

(a) not to enter or remain in any such area without due authority;

(b) not to enter or remain without due authority in any area declared to be a danger zone at a time when entry is prohibited; and

(c) not to interfere without due authority with any flag or mark or target or buoys or any appartus used for the purpose of the seaward . artillery practice.

(2) (a) When any area is declared to be a danger zone under sub-section (2) of section 4, the Collector of the district or the Revenue Officer deputed by him in this behalf shall cause to be put up prominent danger signals on all sides of the danger zone wherever possible with the written warning in the language of the area prohibiting entry into such area during the times when the discharge of the lethal missiles is taking place or there is danger to life or property.

(b) The said Collector of the district or the Revenue Officer shall also p st sentries from the nearby area, as far as possible, round the danger zone during the times when the discharge of the lethal missiles is taking place or there is danger to life or property.

(c) The naval authorities shall render such assistance as is feasible and is requested by the said Collector of the district or the Revenue Officer in cisplaying of the said notices and posting of sentries.

(d) The said Collector of the district or the Revenue Officer shall notify in the manner specified in sub-rule (1) that the entry into the danger zone is prohibited and that all persons, property, vessels and aircraft shall be removed from such danger zone during the times when discharge of lethal missiles is taking place or there is danger to life or property after payment of compensation in accordance with the provisions of section 5.

(3) The Collector of the district or the Revenue Officer deputed by him in this behalf shall take steps before any evacuation takes place, for the closing and sealing of the houses, public building and other places and also removal of such property, vessels and aircraft in the danger zone, as

he deems fit, in the presence of the owner thereof and in the absence of the owner in the presence of two municipal councilors or panchas or residents of the locality and a person if so nominated by the naval authorities.

7. *Intimation of conclusion of seaward artillery practice and inspection of areas.*—The Officer Commanding of the naval forces shall notify the fact of the conclusion of the seaward artillery practice to the Collector of the district or the Revenue Officer deputed by him in this behalf who shall inspect the lands, with the two municipal councillors, or panchas or residents and a person, if so nominated by the naval authorities who accompanied him in the first inspection under rule 5 or if the same persons cannot be secured due to death, ill-health or any other reason, with two other municipal councillors or panchas or residents and a person if so nominated by the naval authorities and record his remarks as to the event to which each land has not been restored to its previous condition and has suffered damage.

8. *Assessment of damage.*—(1) Damage to person shall be assessed with reference to the age and status of the person injured, the nature and duration of the injury caused, his earning capacity, the extent to which his earning capacity has been diminished and the period during which such diminution of his earning capacity is likely to continue and the special circumstances of the injured and his dependents that are brought to notice during the injury.

(2) Damage to property shall be determined with reference to the prevailing market value of the property, the loss sustained by the removal of any standing crops or trees or buildings or other structures thereon, the loss sustained by the deprivation of the use of the property during the period of the seaward artillery practice, the loss caused by the severance of the property in the notified area in the other property of the claimant and the loss caused by injurious affection to other property movable or immovable or the earnings of the claimant and such other relvant considerations as may be disclosed during the Revenue Officer's inquiry.

(3) Damage for interference with the rights or privileges or both shall be assessed solely with reference to the material loss sustained by the claimant, by such interference.

9. *Assessment of compensation.*—(1) If a land is permanently impaired in value, the difference between the original market value and the value in its impaired state plus 15 per cent of such difference shall be paid to the claimant as compensation.

(2) Besides compensation for the damage arising from seaward artillery practice, expenses reasonably incurred or as estimated by the Revenue Officer to have been reasonably incurred in protecting the person, property, rights and privileges of a claimant during the time of such practice shall also be allowed.

(3) Compensation on account of evacuation from any place shall be paid in respect of each day on which the evacuation is enforced at such rates as may be fixed by the Revenue Officer which shall not be less than.—

(a) in the case of a labourer or a fisherman servant of 12 years of age, the wages per day ordinarily earned by such labourer or servant:

Provided that when on any one day the evacuation is for a period of less than four hours, the rate of compensation shall not be less than half the wages per day ordinarily earned by such labourer or servant;

(b) in the case of fishermen the loss of fishing estimated on the basis of the value of the average catch per fishing boat, such average being calculated on the basis of a normal working of a fishing boat during fair season;

(c) in the case of any other person over 12 years of age, superior in status to a labourer or a fisherman servant, such loss of earnings as the Revenue Officer estimates to have been incurred by him;

(d) for the removal of a sick or invalid person, the actual cost of removal in addition to his wages if any, as provided for in clause(a) above.

(4) If a person is directed to remove himself, his property, vessel or aircraft from any place declared to be a danger zone under subsection (2) of section 4, the expenses of such removal as estimated by the Revenue Officer shall be paid at least 12 hours in advance of the hour before which the removal has to be completed.

(5) The minimum amount of compensation payable for the removal of a person, property or vessel from any place declared to be a danger zone under sub-section (2) of section 4 shall be the amount required for the removal to the nearest place of safety and for meeting any extra cost of living or feeding charge or accommodation of the person, property or vessel at current local rates that would have to be incurred during the period for which the removal is enforced.

(6) No compensation shall be awarded for any damage caused to any person, property or vessel by the infringement of the warning or instructions, issued under these rules.

10. *Claims for compensation.*—(1) Any person who claims compensation under section 5, shall appear in person or by an agent before the Revenue Officer deputed by the Collector of the district in this behalf within fourteen days from the date on which his claim arose, and state the nature of the claim, the amount of compensation he demands and his titles thereto.

(2). The statement referred to in sub-rule (1) shall be made in or reduced in writing and signed by the claimant or his agent.

11. *Procedure for granting compensation.*—(1) The Revenue Officer so deputed shall fix a specified day or days of the week soon after the seaward artillery practice has concluded and a place for inquiry into the claims and notify the same by beat of drum and publication of notice in appropriate manner in each village.

(2) On the appointed day or days, the Revenue Officer shall inquire into all the claims received in time and determine the amount of compensation to be awarded in each case.

(3) (a) In deciding the amount of compensation, to be awarded, the Revenue Officer shall take the assistance of the two municipal councillors or panchas or residents of the locality who accompanied him in his inspections under rules 5 and 7 and those shall act as assessors.

(b) The Revenue Officer shall record and take into consideration the opinions expressed by the said assessors on the point at issue in each case, but he shall not be bound to accept them.

(4) If any of the persons selected as an assessor, is not available, or is a claimant, or is personally interested in the claim or is unwilling to act, the Revenue Officer shall have another person in his place for dealing with that claim.

(5) (a) The Revenue Officer shall hear the claimant and the evidence if any produced before him on matters relevant to the inquiry and receive any written statement filed by the claimant, but he need not record the evidence of the claimants or his witness.

(b) The inquiry conducted by the Revenue Officer shall be of a summary nature.

(c) The Revenue Officer shall conduct the inquiry expeditiously but may adjourn it as he may deem necessary.

12. *Records of claims.*—The Revenue Officer shall enter all the claims in a register which shall contain the following particulars:—

(a) Number and date of claim.
(b) Name of the village.
(c) Name of the claimant, parentage and address.
(d) Nature of the claim and date on which the claim arose.
(e) Compensation claimed with date alleged for the claim.
(f) Compensation awarded with brief reasons for the decision.
(g) Signature of the party in acknowledgement of the communication of the decision.
(h) If the party does not accept award, date of intimation of the notice of intention o appeal.
(i) Signature of party in token of receipt of the Compensation awarded.
(j) Remarks.

13. *Decision of the Revenue Officer.*—(1) The decision of the Revenue Officer shall contain a gist of the evidence adduced and the reasons which have weighed with the Revenue Officer in determining the amount of compensation.

(2) The claimant, on an application made in the behalf, shall be supplied free of charge with a copy of the said decision and of any notes of inspection recorded by the Revenue Officer.

(3) As the Collector is the final appellate authority the Revenue Officer shall not consult him in arriving at decision on any claim for compensation.

14. *Payment of compensation.*—(1) The Revenue Officer shall disburse on the spot to the claimant compensation, if any, determined by him as payable.

(2) If a claimant refuses to receiv the money warded or if there are rival claimants to it, the Revenue Officer shall direct it to be deposited in the nearest treasury in revenue deposit.

15. *Appeals against the decisions of the Revenue Officer.*—(1) Any claimant dissatisfied with the refusal of the Revenue Officer to award him any compensation or with the amount of compensation awarded to him by the Revenue Officer, may, at any time, within one month of the communication to him of the decision of the Revenue Officer, prefer an appeal in writing to the Collector against the decision.

(2) Such an appeal shall be in the form of a memorandum stating the grounds of the appeal and the relief claimed and the Collector shall be competent to reject summarily any appeals in respect of which a memorandum has not been filed within the said period.

(3) On receipt of the appeal, the Collector shall call upon the Revenue Officer to forward an extract of all the entries in the Register referred to in rule 12 relating to the claim and all other papers if any in respect of the same.

16. *Procedure for hearing appeals.*—(1) On receipt of an appeal, the Collector shall notify the appellant the time and place of hearing of the appeal..

(2) If the claimant cannot be found at the address given by him before the Revenue Officer or at the address mentioned in the appeal, the notice of hearing may be served on any adult member of the family residing with him or failing that, be affixed at a prominent part of the building specified in that address.

(3) The delay in hearing the appeal shall not be longer than two weeks from the date of filing of the appeal, except that for reasons to be recorded in the appeal the Collector may postpone the date of hearing for so long as may be necessary.

(4) The Collector shall, as far as possible, dispose of all appeals on the dates on which they are heard or as soon as may be thereafter.

(5) It shall not be necessary for the Collector to record more than a brief memorandum of the reasons when coming to a decision.

(6) If the claimant is absent, an ex-parte decision may be given by the Collector.

(7) If the Collector awards higher amount of compensation to any claimant, the additional compensation shall be paid to the claimant within seven days of the date on which the appeal is decided.

(8) The Collector shall arrange for the disbursement of the compensation to the appellant, as early as possible, by the issue of a refund order to the appropriate treasury in cases in which the amount was originally refused by the appellant and deposited in the treasury.

(9) If the person who is entitled to receive the compensation or any portion thereof is a minor or is of unsound mind or has only a limited interest in the land or other property which has suffered damage, the Collector shall pass such orders as may appear to him to be appropriate as to the payment of compensation.

GOVERNMENT OF KERALA

Transport, Fisheries and Ports (Transport C) Department

NOTIFICATION

No. 9409/TC2/82/TF & P. *Dated, Trivandrum, 24th June*, 1982.

S.R.O. No. 1142/82.—Whereas representation has been received by Government from the Stage Carriage Operator specified in the annexure to this notification, that the vehicle tax for the quarter ended on the 30th June, 1982, in respect of the Stage Carriages particulars of which are specified in the said annexure could not be remitted within the prescribed period due to financial strain and that extension of time for payment of Vehicle tax in respect of this Vehicles may, therefore, be granted;

And whereas, the Government are convinced that circumstances existed that the operators of the said stage carriages could not remit the vehicle tax in respect of the said stage carriages ordinarily kept for use in the State for the quarter ended on the 30th June, 1982 due to financial strain;

And whereas, the Government are convinced that non-operation of the said stage carriages due to non-payment of tax would have caused great inconvenience to the travelling public;

And whereas, the Government consider it necessary to extend in public interest the time for payment of the vehicle tax for the quarter ended on the 30th June, 1982 in respect of the said stage carriages;

Now, therefore, in exercise of the powers conferred by section 22 of the Kerala Motor Vehicles Taxation Act, 1976 (19 of 1976), read with rule 5 of the Kerala Motor Vehicles Taxation Rules, 1975, the Government of Kerala hereby order that the vehicle tax for the quarter ended on the 30th June, 1982 in respect of the said stage carriages ordinarily kept for use in the State shall be paid on or before the 20th May, 1982 together with additional tax payable under section 12 of the Kerala Motor Vehicles Taxation Act, 1976 read with the notification (5) No. 33942/TC2/75-5/PW. dated the 29th September, 1975 published as S. R. O. No. 876/75 in the Kerala Gazette Extraordinary No. 572 dated the 29th September, 1975.

G. 1001.

ANNEXURE

Sl. No.	Name of Stage Carriage Operator	Registration No. of the Stage Carriage
(1)	(2)	(3)
	Managing Partner, New Kerala Bus Transport, Cannanore.	KLC 2374 KLC 3727 KLN 235 KLN 936 KLC 5293 KLN 135 KLN 385 KLN 668

By order of the Governor,

P. SANKARAN NAIR,

Additional Secretary to Government.

Explanatory Note

(This is not part of the notification, but is intended to indicate the main purpose of the issue of the notification).

Government have received certain representations from the Stage Carriage Operators as shown in the notification requesting extension of time for payment of vehicle tax for the quarter ended 30th June, 1982 due to financial strain.

Government are convinced of the position and in public interest, grant extension of time for payment of tax as otherwise these vehicles might be put out of operation for non-payment of tax causing great inconvenience to the travelling public.

Kerala Gazette No. 39 dated 5th October 1982.
PART I

Section iv

GOVERNMENT OF KERALA

Labour (A) Department

ORDER

G. O. (Rt.) No. 946/82/LBR. *Dated, Trivandrum, 6th September,* 1982.

S.R.O.No. 1143/82.—Whereas in exercise of the powers conferred by clause (c) of subsection (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Industrial Dispute between the President, Mulakkulam Panchayat Service Co-operative Society Ltd. No. K. 209, Peruva, via. Vaikom and a workman of the above concern namely Shri K. G. Gopinathan Nair, Alikkunnel House, Peruva P. O. was referred by the Government of Kerala for adjudication to the Labour Court, Quilon as per G. O. Rt. No. 68/81/LBR dated the 13th January, 1981;

And whereas the said dispute was admitted in the file of the Labour Court, Quilon as I. D. No. 3/81;

And whereas the Presiding Officer, Labour Court, Quilon has requested Government to refer the said dispute to the Labour Court, Ernakulam since the case comes within the territorial jurisdiction of the Labour Court, Ernakulam;

And whereas the Government find that the case comes within the territorial jurisdiction of the Labour Court, Ernakulam;

And whereas the Government of Kerala are satisfied that it is necessary to withdraw the said dispute from the file of the Labour Court, Quilon and to transfer it to the Labour Court, Ernakulam;

Now, therefore, in exercise of the powers conferred by section 33-B of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Government of Kerala hereby order that I. D. No. 3/81 referred for adjudication to the Labour Court, Quilon as per G. O. (Rt.) No. 68/81/LBR dated the 13th January, 1981 shall be withdrawn from the file of the Labour Court, Quilon and transferred to the Labour Court, Ernakulam for fresh disposal.

By order of the Governor,
V. KRISHNAMURTHY,
Secretary to Government.

Explanatory Note

(This does not form part of the notification but is intended to indicate its general purport.)

The Presiding Officer, Labour Court, Quilon has requested Government to transfer the I.D. No. 3/81 from the Labour Court, Quilon to the Labour Court, Ernakulam since the dispute comes under the territorial jurisdiction of the Labour Court, Ernakulam. Government consider that it is necessary to transfer the case to the Labour Court, Ernakulam accordingly. The above notification is intended to achieve this object.

GOVERNMENT OF KERALA

Public Works and Electricity (Electricity-A) Department

NOTIFICATION

No. 52628/ELA3/81/PW&E *Dated, Trivandrum,* 15*th September* 1982.

S. R. O. No. 1144/82.—Under rules 1 and 2 of the Rules issued under Notification No. 6635/ELA3/73/W&P dated the 11th May, 1973 and published in the Kerala Gazette No. 22 dated the 29th May, 1973, the Government of Kerala hereby appoint Shri Kesavan Kutty Nair, Poduval and Company. Kottayam to be a Member of the Kerala Electricity Licensing Board in the place of Shri Joseph Xavier whose membership in the Board was terminated as he was not qualified to be a member in the Board and consequently make the following amendment to the Notification No. 36806/ELA3/81/PW&E dated the 19th October, 1981 published as S. R. O. No. 1352/81 in Part I of the Kerala Gazette No. 46 dated the 17th November, 1981, appointing the said Licensing Board, namely :—

AMENDMENT

In the said Notification, for serial Number 9 and the entries realating thereto, the following serial number and entries shall be substituted namely:—

"9. Shri Kesavankutty Nair,
Poduval and Company,
Kottayam. Member".

This notification shall come in to force with effect from the 25th September 1982.

By order of the Governor,
R. P. SINGH,
Secretary to Government.

Explanatory Note

(This note is not part of the Notification but is intended to indicate its general purport).

In Notification No. 36806/ELA3/81/PW&E dated 19-10-1981 Government have appointed the Kerala Electricity Licensing Board with 9 members. Now Government have decided to terminate the Membership of Joseph Xavier, A. Aluvilla, Mundakkal Middle Quilon from the Board and to appoint Sri Kesavankutty Nair, Poduval and Company, Kottayam in the place of Sri Joseph Xavier. This notification is intended to achieve the above object.

G. 1291.

Explanatory Note

(This does not form part of the notification but is intended to indicate its general purport.)

The Presiding Officer, Labour Court, Quilon has requested Government to transfer the I.D. No. 3/81 from the Labour Court, Quilon to the Labour Court, Ernakulam since the dispute comes under the territorial jurisdiction of the Labour Court, Ernakulam. Government consider that it is necessary to transfer the case to the Labour Court, Ernakulam accordingly. The above notification is intended to achieve this object.

GOVERNMENT OF KERALA

Housing (A) Department

NOTIFICATION

G.O. Ms. No. 30/82/Housing. *Dated, Trivandrum, 26th August* 1982.

S.R.O. No.1146/82. In exercise of the powers conferred by section 4 of the Kerala State Housing Board Act, 1971 (19 of 1971), the Government of Kerala hereby appoint the Additional Secretary to Government in charge of Housing as a member of the Kerala State Housing Board in the place of the Joint Secretary to Government in charge of Housing and consequently make the following further amendment to the notification issued in G.O. (Ms) 158/71/LAD dated the 13th October, 1971, and published as S. R. O. No. 378/71 in the Kerala Gazette extraordinary No. 462 dated the 13th October, 1971, namely:—

AMENDMENT

In the schedule to the said Notification, in Part I, under the heading "Official Members", for item 3 and the entries relating thereto, the following shall be substituted, namely:—

"3. The Additional Secretary to Government in charge of Housing".

By order of the Governor,

N. KALEESWARAN,

Special Secretary to Government.

Explanatory Note

(This is not part of the notification, but is intended to indicate its general purport)

In notification No. G. O.Ms. 128/80/Housing dated 24-11-1980, the Joint Secretary to Government in the Housing Department was appointed as Official Member of the Kerala State Housing Board. The post of Joint Secretary (Housing) has been re-designated as Additional Secretary (Housing) in G.O. RT. No. 4658/82/GAD dated 8-7-1982. This notification is intended to incorporate the above change.

Kerala Gazette No. 39 dated 5th October 1982
PART I **Section iv**

GOVERNMENT OF KERALA

Taxes (B) Department

NOTIFICATION

G. O. (MS) No. 57/82/TD. *Dated, Trivandrum, 15th September* 1982.

S.R.O.No. 1147/82.—In exercise of the powers conferred by section 67 of the Agricultural Income Tax Act, 1950 (22 of 1950) the Government of Kerala hereby make the following rules further to amend the Agricultural Incometax Rules, 1951, the same having been previously published as required by subsection (1) of the said section namely:—

RULES

1. *Short title and commencement.*—(i) These rules may be called the Agricultural Income Tax (Amendment) Rules, 1982.

(ii) They shall come into force at once.

2. *Amendment to the Rules.*—In the Agricultural Income Tax Rules 1951, after rule 25 A, the following rule shall be inserted, namely:—

"25 B (1) If any person, who having filled an appeal or revision before the Appellate Assistant Commissioner or revisional authority, as the case may be, dies before the conclusion of the final hearing of the same, the Appellate Assistant Commissioner or revisional authority shall adjourn further proceedings to enable the impleading of the legal representatives of the deceased. If the application for impleading is not made within 90 days of the date of death of the party, the proceedings shall abate as regards the deceased. The application for impleading may be either by the party interested in getting final orders passed on the proceedings, or by any legal representative of the deceased even though not so interested.

(2) There shall be no abatement by reason of the death of any party between the conclusion of the final hearing, and the passing of the order, but the order may in such cases be passed notwithstanding the death of the party and shall have the same force and effect as if it had been passed before the death took place.

(3) If a question arises in any proceedings as to whether a person is or is not the legal representative of a deceased party, the Appellate Assistant Commissioner or revisional authority may determine the question summarily after taking such evidence as it deems necessary or direct the person asserting to be the legal representative to produce an order of the competent court to establish his assertion and adjourn the proceedings for the purpose.

(4) Where a pending proceeding abates, no fresh proceedings shall be started on the same cause of action.

(5) (i) Any person bound to apply for impleading legal representatives of a deceased party may apply, within 60 days from the date of abatement, for an order to set aside the abatement and if it is proved that he was prevented by any sufficient cause from continuing the proceedings the Appellate Assistant Commissioner or revisional authority shall set aside the abatement;

(ii) The provision of section 5 of the Limitation Act, 1963 shall apply to an application made under clause (i).

(6) If during the pendency of any proceedings before the Appellate Assistant Commissioner or the revisional authority, the property of any party thereto is assigned to or devolves upon some other person either wholly or in part, the Appellate Assistant Commissioner or the revisional authority may on the application of such assignee or person, join him as a party to the proceedings.

(7) If a party to a proceeding becomes insolvent and his estate becomes vested in a receiver or official assignee, the latter may, at the instance of the assessing authority, by leave of the Appellate Assistant Commissioner or the revisional authority be made a party to the proceedings".

By order of the Governor,

N. Krishnan Nair,

Special Secretary to Government.

(This is not a part of the Amendment but is intended to indicate the general purport).

The Agricultural Income Tax Rules, 1951 does not contain any provision for abatement in respect of proceedings before the Appellate Assistant Commissioner/revisional authority in case of death or for impleading receiver of official assignee in case of insolvency. The Kerala Agricultural Income Tax Appellate Tribunal Regulation 1965, contains provision for abatement of proceedings in the case of death and also for impleading the receiver or official assignee in case of insolvency of a party to a proceeding before it. Provisions are now sought to be incorporated in the Agricultural Income Tax Rules, 1951 to provide for abatement of proceedings before the Appellate Assistant Commissioner/revisional authority in case of death of the appellant/applicant and for insolvency of the appellant. The amendment is intended to achive the above purpose.

GOVERNMENT OF KERALA

Abstract

KERALA BUILDINGS (LEASE AND RENT CONTROL) ACT, 1965—ENFORCEMENT IN THOLUR PANCHAYAT—ORDERS ISSUED

PUBLIC WORKS (E) DEPARTMENT

G. O. (MS)126/82/PW. *Dated, Trivandrum, 27th August* 1982.

NOTIFICATIONS

(i)

S.R.O. No. 1148/82.—Whereas the Tholur Panchayat has in its resolution No. 3 dated the 16th January, 1980, requested that the provisions of the Kerala Buildings (Lease and Rent Control) Act, 1965 (2 of 1965), shall be applied to that Panchayat area;

Now, therefore, in exercise of the powers conferred by subsection (3) of section 1 of the Kerala Buildings (Lease and Rent Control) Act, 1965 (2 of 1965), the Government of Kerala hereby apply all the provisions of the said Act to the Tholur Panchayat area in the Trichur District with effect from the date of publication of this notification in the Gazette.

(ii)

S. R. O. No. 1149/82.—In exercise of the powers conferred by subsection (1) of section 3 of the Kerala Buildings (Lease and Rent Control) Act, 1965 (2 of 1965), the Government of Kerala hereby appoint the Munsiff, having jurisdiction over the Tholur Panchayat area in the Trichur District, to be the Rent Control Court for the said area, with effect from the date of publication of this notification in the Gazette.

(iii)

S.R.O. No. 1150/82.—In exercise of the powers conferred by sub-section (2) of section 3 of the Kerala Buildings (Lease and Rent Control) Act, 1965 (2 of 1965), the Government of Kerala hereby appoint the Tahsildar, having jurisdiction over the Tholur Panchayat area in the Trichur District, to be the Accommodation Controller for the said area, with effect from the date of publication of this notification in the Gazette.

(iv)

S.R.O. No. 1151/82.—In exercise of the powers conferred by clause (a) of subsection (1) of section 18 of the Kerala Buildings (Lease and Rent Control) Act, 1965 (2 of 1965), the Government of Kerala hereby confer on the Subordinate Judge or the Principal Subordinate Judge, as the case may be, having jurisdiction over the Tholur Panchayat area in the Trichur District, the powers of the Appellate Authority for the purposes of the said Act in the said area with effect from the date of publication of this notification in the Gazette.

By order of the Governor,

G. GOPALAKRISHNA PILLAI,

Special Secretary to Government.

Explanatory Note

(This does not form part of the above Notifications, but is intended to indicate their general purport.)

The Tholur Panchayat in the Trichur District has in its resolution No. 3 dated the 16th January 1980, requested Government to extend the provisions of the Kerala Buildings (Lease and Rent Control) Act, 1965 (2 of 1965) to its area. Under section 1(3) of the said Act, Government can extend the provisions of the Act to any area of the State by a notification in the Gazette, provided that such notification shall be supported by a resolution passed by the local authority of the area affected by the notification. The above notifications are to achieve the above purpose and issued on the request of the Panchayat concerned.

GOVERNMENT OF KERALA

Abstract

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Now, therefore, in exercise of the powers conferred by subsection (3) of section 1 of the Kerala Buildings (Lease and Rent Control) Act, 1965 (2 of 1965), the Government of Kerala hereby apply all the provisions of the said Act to the Tholur Panchayat area in the Trichur District with effect from the date of publication of this notification in the Gazette.

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By order of the Governor,
G. Gopalakrishna Pillai,
Special Secretary to Government.

Explanatory Note

(This does not form part of the above Notifications, but is intended to indicate their general purport.)

The Tholur Panchayat in the Trichur District has in its resolution No. 3 dated the 16th January 1980, requested Government to extend the provisions of the Kerala Buildings (Lease and Rent Control) Act, 1965 (2 of 1965) to its area. Under section 1(3) of the said Act, Government can extend the provisions of the Act to any area of the State by a notification in the Gazette, provided that such notification shall be supported by a resolution passed by the local authority of the area affected by the notification. The above notifications are to achieve the above purpose and issued on the request of the Panchayat concerned.